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REMARKS

Applicant requests reconsideration and reexamination of the above-identified application in view of the amendments made to the Specification including the claims and drawings and the arguments presented herein. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action by paragraph number.

1. The Examiner states that Claims 1-27 are presented for examination. Applicant has further amended and canceled claims wherein Claims 1-4, 6-8, 11, 12, 17, 18, 20-22 and 24 remain for examination.

2. PRIORITY

The Examiner states that receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d) which have been placed in the file.

3. OATH/DECLARATION

The Examiner states that the Oath or Declaration is defective because it does not state "...and first inventor...". Enclosed is a new Declaration signed by the inventor(s) which is in compliance with 37 C.F.R. 1.67(a) and states "that the person making the Oath or Declaration believes the named inventor or inventors to be the original and first inventor or

inventors of the subject matter which is claimed and for which a patent is sought".

4. DRAWINGS

The Examiner states that the drawings are objected to and the Examiner lists various objections.

The Examiner states that FIG. 2A, 3B, 3C, 4A, 4B, and 4C are not clearly labeled. Applicant has clearly labeled such figures which are marked-up in red for the Examiner's approval.

The Examiner states that FIG. 4C is not described in the instant specification. Applicant has amended the Specification on page 11, line 22, adding "as shown in FIG. 4C" after "For example, when "MON" is displayed".

The Examiner states that the drawings fail to show a right and left oil vessel (see page 6, last paragraph of instant specification). Applicant has amended on page 5 the description of FIG. 1 to state that "FIG. 1 is a side elevational view of a fryer" so as not to suggest that all parts of the figure can be seen in FIG. 1. Applicant has similarly amended line 16 on page 6. Therefore, Applicant believes that it is not necessary to actually show both left and right oil vessels 33a, 33b. FIG. 1 is a side elevational view showing the right oil vessel. The specification does not state that the left and right oil vessels 33a, 33b are shown in FIG. 1.

The Examiner states that reference characters 3, 17, 18, 19 have been used to designate both left and right components. To resolve this problem Applicant has amended the specification changing such references to 33a, 33b, 17a, 17b, 18a, 18b and 19a, 19b respectively to indicate the left and right components.

The Examiner states that the drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character "1" has been used to designate all of a commercial fryer, a cooking start switch and a specific mode selection screen. Applicant wishes to point out that the reference character "1" now refers to only the cooking start switch 1 in the figures. The commercial fryer reference character is changed to 30, and the special mode selection screen (on page 10, line 2) is now referred to as 1-1 and marked accordingly in FIG. 3A.

The Examiner states that the drawings are objected to because the reference numbers 2, 3, and 4 each designate a switch and another element in the invention. The reference numbers 2, 3, and 4 will continue to reference the switches 2, 3, 4 and new reference numbers are assigned to previous conflicting elements as follows: casing 32, oil vessels 33a, 33b and pulse burner 34. The specification and figures are amended herein accordingly.

The Examiner states that the drawings are objected to because they do not include the reference sign for element 23 (on page 8). However, Applicant wishes to point out that element 23 (temperature sensor) is shown in FIG. 1.

The Examiner states that the drawings are objected to because they do not include the reference signs mentioned in the description: screen 2-1 and screen 2-2. Applicant has added reference signs 2-1 to FIG. 3(B) and 2-2 to FIG. 3(C).

5. CORRECT ALL DRAWING DEFICIENCIES

The Examiner states that a number of examples of drawing deficiencies have been identified above but the list may not be all inclusive. Applicant has reviewed the specification and the drawings and believes that the present amendment to the specification and the drawings comprises all the known corrections. Applicant is enclosing FIGS. 1, 2, 3A, 3B, 3C, 4A, 4B, 4C, and 5 with changes and corrections marked in red, and Applicant requests the Examiner's approval of the changes and corrections.

6. SPECIFICATION

The Examiner states that the disclosure is objected to because of certain informalities. On page 4 in the last full paragraph the word "concreat" is corrected to read as "concrete".

The Examiner states that in the BRIEF DESCRIPTION OF THE DRAWINGS on pages 5-6, FIGS. 4A, 4B and 4C are not adequately distinguished. Applicant has amended the description of FIGS. 4A, 4B and 4C to be specific and distinguishable. FIG. 4A illustrates a display of an operating panel when a maintenance period may be set. FIG. 4B illustrates the display when a maintenance frequency is set and FIG. 4C illustrates the display when a day of the week of the maintenance period is set. Applicant believes that FIGS. 4A, 4B and 4C are now adequately distinguished.

7. TITLE OF THE INVENTION

The Examiner states that the TITLE of the invention is not descriptive and suggests a new title. Therefore, Applicant is amending the title from "COOKING UTENSIL" to be "MAINTENANCE OF A COOKING UTENSIL".

8. CLAIM REJECTIONS - 35 U.S.C. § 112

The Examiner states that Claims 5, 7, 8, 13-15, and 20-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant is amending Claim 1 to provide a basis for proper antecedent reference as follows: "...means for setting

a maintenance time ~~setting means capable of~~ by arbitrarily setting a time for executing maintenance items...". Claims 5, 13, 14 and 15 are canceled.

The Examiner states that Claims 7 and 20-24 recite the limitation "the corresponding maintenance work" in, for example, page 2 of the amendment filed on July 11th, 2001. There is insufficient antecedent basis for this limitation in the claim. Applicant is amending Claim 7 to change the last word "work" to "items" which now has antecedent basis in Claim 1 via Claim 2. Applicant is similarly amending Claims 20, 21, 22, 23 and 24.

The Examiner states that Claims 8 and 25-29 recite the limitation "after the information has been called off", and there is insufficient antecedent bases. Claim 8 is being amended to refer back to Claim 7 where there is a reference to "said information is automatically called off". Claims 25-29 are canceled.

The Examiner states that Claims 8 and 26-30 recite the limitation "the same cycle condition" and there is insufficient antecedent basis for this limitation in the claims. Applicant is canceling Claims 26-30, leaving only Claim 8 with this limitation and Claim 8 is further amended to change "...the same cycle condition" to "...a same cycle condition".

The Examiner states that referring to Claims 8 and 26-30, it is unclear what kind of cycle condition Applicant intends to

claim. Applicant has canceled Claims 26-30 and Claim 8 now refers to Claim 2 which refers back to Claim 1, and Claim 2 calls for "...a predetermined cycle based on a calendar function has expired." Applicant believes that Claim 8 which is dependent on Claim 7, and Claim 7, which is dependent on Claim 2, are now definite and patentable.

9. The Examiner states that due to the number of 35 U.S.C. § 112 rejections, the Examiner has provided a number of examples of the claim deficiencies in the above rejections, however, the list of rejections may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the 35 U.S.C. § 112 problems and place the claims in proper format. Applicant believes that based on the canceled claims and the amended remaining claims, the 35 U.S.C. § 112 problems have been eliminated.

10. CLAIM REJECTIONS - 35 U.S.C. § 102

The Examiner states that Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (AAP). The Examiner states that referring to Claim 1, AAPA teaches a cooking utensil for cooking a food by using predetermined heating means (Page 1, paragraph 2 of the instant specification, i.e.; a fryer), "said cooking utensil comprising:

maintenance time setting means capable of arbitrarily setting a time for executing maintenance (Page 1, paragraph 2 of the instant specification, i.e., maintenance time set by a person); and informing means for informing the execution time set by the maintenance time setting means (Page 1, paragraph 2 of the instant specification, i.e., a piece of paper or a computer).

Applicant has amended claim 1 to more particularly point out and distinctly claim the subject matter of the invention. The Background section of the instant specification does not disclose all of the elements combined in amended Claim 1, and in particular "means for displaying one of said maintenance items after said predetermined sign is displayed in response to a predetermined operation of a switch provided on said operating panel." Therefore, Applicant believes that the admitted prior art (APA) does not anticipate Claim 1 as amended and that Claim 1 as amended is patentable.

11. The Examiner states that Claims 1, 4, and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,186,097 to Vaseloff. The Examiner states that referring to Claim 1, Vaseloff teaches a cooking utensil for cooking a food by using predetermined heating means (Fig. 1), said cooking utensil comprising: maintenance time setting means capable of arbitrarily setting a time for executing maintenance (Col. 5, lines 30-58); and informing means for informing the

execution time set by the maintenance time setting means (Col. 8, lines 42-48).

Applicant has amended Claim 1 to more particularly claim the subject matter of the present invention, and Applicant believes that the combination of the elements and functions recited in amended Claim 1 are not disclosed in Vaseloff. Claim 1 now calls for "(a) means for setting a maintenance time by arbitrarily setting a time for executing maintenance items, said execution time being settable for each of said maintenance item; (b) means for informing a user of said execution time for each one of said maintenance items set by said maintenance time setting means, said informing means displays a predetermined sign on an operating panel of said cooking utensil for said heating means; and (c) means for displaying one of said maintenance items after said predetermined sign is displayed in response to a predetermined operation of a switch provided on said operating panel." Therefore, Applicant believes that the present invention is not anticipated by Vaseloff, and that Claim 1 is patentable.

Referring to Claim 4, Vaseloff teaches the cooking utensil above, wherein the execution time is defined as a time when a cumulative value of the number of times of the operation of the heating means has reached a predetermined standard number of times (Col. 8, lines 42-48). Vaseloff teaches a "cooking counter" that counts the number of times the baskets are placed

in the oil, wherein the number is pre-programmed. Furthermore, Vaseloff teaches the number is used to sound an alarm and display a message to filter the oil. However, Applicant believes that Claim 1 as amended is patentable, therefore Claim 4, which is dependent on Claim 1, is patentable.

The Examiner rejected Claims 5, 9 and 10 and Applicant has canceled Claims 5, 9 and 10.

In regard to Claim 6, the Examiner states that Vaseloff teaches the cooking utensil above, wherein the set execution time can be arbitrarily changed (Col. 5, lines 30-58; Col. 7, lines 1-16). Applicant wishes to point out that Claim 6 is dependent on Claim 1, and Applicant believes that Claim 1 as amended is patentable so Claim 6 is likewise patentable.

The Examiner states that referring to Claim 7, Vaseloff teaches the cooking utensil above, wherein, after informing the execution time, said information is automatically called off by performing the corresponding maintenance work (Col. 7, lines 56 - Col. 8, lines 24-25). Further in regard to Claim 8 the Examiner states that Vaseloff teaches the cooking utensil above, wherein, after the information has been called off, a next execution time can be automatically set on the same cycle condition (Col. 5, lines 30-58; Col. 8, lines 33-48).

Applicant has amended Claim 8 to be dependent on Claim 7 and Claim 7 is dependent on Claim 1. Applicant believes that

Claim 1 as amended is patentable, and therefore dependent Claims 7 and 8 are patentable.

12. The Examiner states that Claims 1-2 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,918,293 to McGeorge. The Examiner states that in regard to Claim 1, McGeorge teaches a cooking utensil for cooking a food by using predetermined heating means (Col. 1, lines 64-67; Col. 4), said cooking utensil comprising: maintenance time setting means capable of arbitrarily setting a time for executing maintenance; and informing means for informing the execution time set by the maintenance time setting means.

Applicant has amended Claim 1 to more particularly point out and distinctly claim the subject matter of the present invention. Applicant does not believe that all the elements and functions of Claim 1 as amended are disclosed in McGeorge. Claim 1 now calls for "(a) means for setting a maintenance time by arbitrarily setting a time for executing maintenance items, said execution time being settable for each of said maintenance item; (b) means for informing a user of said execution time for each one of said maintenance items set by said maintenance time setting means, said informing means displays a predetermined sign on an operating panel of said cooking utensil for said heating means; and (c) means for displaying one of said

maintenance items after said predetermined sign is displayed in response to a predetermined operation of a switch provided on said operating panel." Applicant believes that Claim 1 is patentable, and because Claims 2, 6, 7 and 8 are dependent on Claim 1 either directly or indirectly, therefore, Claims 2, 6, 7 and 8 are likewise patentable. Claims 5, 9 and 10 are canceled.

13. The Examiner states that Claims 1, 3, and 5-8 are rejected under 37 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,331,578 to Koether. The Examiner states that referring to Claim 1, Koether teaches a cooking utensil for cooking a food by using predetermined heating means (Abstract), said cooking utensil comprising: maintenance time setting means capable of arbitrarily setting a time for executing maintenance; and informing means for informing the execution time set by the maintenance time setting means (Col. 3, lines 49-62; Col. 4, line 65 - Col. 5, line 8; Col. 10, Claims 1-2).

Applicant has amended Claim 1 to more particularly point out and distinctly claim the subject matter of this invention. Applicant believes that all the elements and functions of Claim 1 (as amended) are not disclosed by Koether, resulting in Claim 1 not being anticipated and being patentable. Claim 1 now calls for "(a) means for setting a maintenance time by arbitrarily setting a time for executing maintenance items,

said execution time being settable for each of said maintenance item; (b) means for informing a user of said execution time for each one of said maintenance items set by said maintenance time setting means, said informing means displays a predetermined sign on an operating panel of said cooking utensil for said heating means; and (c) means for displaying one of said maintenance items after said predetermined sign is displayed in response to a predetermined operation of a switch provided on said operating panel." Claim 5 is canceled. Claims 3, 6, 7 and 8 are dependent on Claim 1. Therefore, Applicant believes that Claims 1, 3 and 6-8 are patentable.

14. The Examiner states that Claims 1, 6, 9, 10 and 35 are rejected under 35 U.S.C. 102(3) as being anticipated by U.S. Publication No. 2002/0005403 to Sugulsi. The Examiner states that the applied reference has a common inventor with the instant application, and based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e).

Applicant wishes to point out that as stated in paragraph 13 of the Office Action Summary, Applicant has made a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and that the certified copy of the priority document was received by the USPTO. Applicant is perfecting this claim for foreign priority by enclosing herein an english language translation of the

priority document with a statement certifying it is a true copy of Japanese Patent Application No. 2000-214487 filed July 14, 2000 which antedates and overcomes the cited reference, U.S. Publication No. 2003/0005403 dated January 17, 2000. Therefore, Applicant believes that this 102(e) rejection is overcome regarding Claims 1 and 6, and that they are patentable. Applicant has canceled Claims 9, 10 and 35.

15. The Examiner states that Claims 1, 6, 9, 10 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0005121 to Suzuki. The Examiner states that the applied reference has a common inventor with the instant application and based upon the earlier effective date of the reference, it constitutes prior art under 35 U.S.C. 102(e).

Applicant wishes to point out that as stated in paragraph 13 of the Office Action Summary, Applicant has made a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and that the certified copy of the priority document was received by the USPTO. Applicant is perfecting this claim for foreign priority by enclosing herein an english language translation of the priority document with a statement certifying it is a true copy of Japanese Patent Application No. 2000-214487 filed July 14, 2000 which antedates and overcomes the cited reference, U.S. Publication No. 2002/0005121 dated January 17, 2000.

Therefore, Applicant believes that this 102(e) rejection is overcome regarding Claims 1 and 6, and that they are patentable. Applicant has canceled Claim 9, 10 and 35.

16. CLAIM REJECTIONS - 35 U.S.C. § 103

The Examiner states that Claims 11-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,918,293 to McGeorge as applied to Claims 1-2, and 5-10 above, and further in view of U.S. Patent No. 5,331,575 to Koether, and further in view of U.S. Patent No. 5,186,097 to Vaseloff. Applicant points out that Claims 13-16, 19, 23 and 25-37 are canceled. Therefore, we are considering under this rejection claims 11, 12, 17, 18, 20-22 and 24. The Examiner states that referring to Claims 11 and 12, Vaseloff teaches the cooking utensil above, wherein the execution time is defined as a time when a cumulative value of the number of times of the operation of the heating means has reached a predetermined standard number of times (Col. 8, lines 42-48). Vaseloff teaches a "cooking counter" that counts the number of times the baskets are placed in the oil, wherein the number is pre-programmed. Furthermore, Vaseloff teaches the number is used to sound an alarm and display a message to filter the oil.

The Examiner further states that referring to Claims 16-24, (now only Claims 17, 18, 20-22 and 24 remain), McGeorge, Koether and Vaseloff all teach that the execution time can be

changed arbitrarily, and, after the execution time, said information is automatically called off by performing the corresponding maintenance work. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the microprocessor programming maintenance of McGeorge, Koether, and Vaseloff at predetermined execution times with automatic informing and setting means.

Applicant wishes to point out that Claim 11, 12, 17, 18, 20-22 and 24 are dependent on Claim 1 either directly or indirectly. Applicant believes that Claim 1 (as amended) is patentable, and therefore, dependent Claims 11, 12, 17, 18, 20-22 and 24 are likewise patentable.

In view of the above, Applicant believes that Claims 1-4, 6-8, 11, 12, 17, 18, 20-22 and 24 as amended are in condition for allowance and request that the foregoing amendment be entered and the case sent to issue.

If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully Submitted,

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